REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated August 27, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 2, 4 and 5 are pending. Claims 7-15 are newly added.

By means of the present amendment, claims 1, 2, 4 and 5 have been amended for non-statutory reasons, such as for better form and clarity of the claimed subject matter, and changing "characterized in that" to --wherein--, and such amendments are not made to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1, 2, 4 and 5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent 5,649,108 to Spiegel et al. ("Spiegal") It is respectfully submitted that claims 1, 2, 4 and 5 are patentable over Spiegal for at least the following reasons.

Spiegal generally discloses methods for establishing network connections in an ATM (asynchronous transfer mode) network using a

"connection setup packet" that propagates along a path of nodes of a virtual connection from a source node to a destination node. As shown in FIG. 3, the connection setup packet contains a plurality of fields including, for example, a source route field (33) (which is a list of those nodes that the connection setup packet should pass through to establish a virtual connection) and a record route field (34) (which is a list of those nodes through which the connection has already been established). The packet fields (33) and (34) are dynamically updated and programmed during routing as a means to determine forward and return paths (see, Col. 5, line 65 – Col. 6, line 14).

In particular, when a packet visits an intermediate node, the intermediate node determines whether or not a connection can be made to a next node listed in the source route field (33) of the received packet. If a connection can be made to a next node listed in the source route field (33) of the packet, the intermediate node will insert a node identifier of the next node into the record route field (34) of the packet, and then forward the packet to that next node (see, Col. 8, lines 40-52, step 60 of FIG. 5; and Col. 10, line 51 - Col. 11, line 4).

On the other hand, if a connection cannot be made to a next node listed in the source route field (33) of the packet, the packet is "cranked back" through an appropriate output port of the intermediate node to the previous node using the previous node ID listed in the record route field (34) of the packet (see, Col. 11, lines 28-35; step 78 of FIG. 5; Col. 13, lines 6-15; and step 84 of FIG. 5). Moreover, when the packet is cranked back to the previous node, the record route field (34) of the packet is dynamically updated to remove the node identifier of that previous node (see, Col. 11, lines 45-49).

In view of the above, it is respectfully submitted that Spiegal does not teach or suggest, amongst other patentable elements, (illustrative emphasis provided) "when the packet visits the intermediate node, storing information in the intermediate node for deriving a return path for the packet to the source node, wherein no information for deriving the return path is stored in the packet when the packet visits the intermediate node," as recited in claim 1, and as similarly claimed in claims 4 and 11. In stark contrast, as discussed above, the connection protocol of Spiegel specifically involves dynamically storing and updating
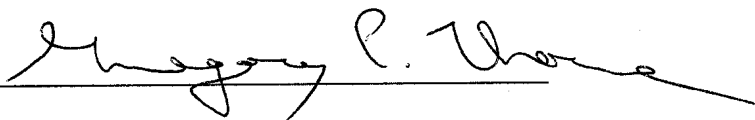
information in a packet, which is used for deriving a return path for the packet.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4 and 11 be allowed. In addition, it is respectfully submitted that dependent claims 2, 5, and 12-15 should also be allowed at least based on their dependence from claims 1, 4 and 11, as well as individually patentable elements recited in such dependent claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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